

# SENATE BILL 51

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11r0507

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By: **Senators Brochin and Stone**

Introduced and read first time: January 18, 2011

Assigned to: Judicial Proceedings

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 15, 2011

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Criminal Procedure – Criminal Injuries Compensation Board – Claimant**  
3 **Confidentiality and Eligibility**

4 FOR the purpose of prohibiting the disclosure of the identity or contact information of  
5 a certain victim or claimant by the Criminal Injuries Compensation Board;  
6 prohibiting a person who has been convicted of certain offenses within a certain  
7 time period from receiving a certain award from the Board; and generally  
8 relating to the Criminal Injuries Compensation Board.

9 BY repealing and reenacting, with amendments,  
10 Article – Criminal Procedure  
11 Section 11–806 and 11–808(a)  
12 Annotated Code of Maryland  
13 (2008 Replacement Volume and 2010 Supplement)

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
15 MARYLAND, That the Laws of Maryland read as follows:

16 **Article – Criminal Procedure**

17 11–806.

18 (a) Except as provided under [subsection (b)] **SUBSECTIONS (B) AND (C)** of  
19 this section, the record of a proceeding before the Board or a Board member is a public  
20 record.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 (b) If the confidentiality of a record or report that the Board obtains is  
2 protected by law or regulation, the record or report shall remain confidential, subject  
3 to the law or regulation.

4 (C) THE BOARD MAY NOT ALLOW THE INSPECTION, USE, OR  
5 DISCLOSURE OF A NAME, ADDRESS, TELEPHONE NUMBER, OR SOCIAL SECURITY  
6 NUMBER PROVIDED TO THE BOARD FOR A VICTIM OR A CLAIMANT WHO IS A:

7 (1) VICTIM OF A SEXUAL OFFENSE UNDER TITLE 3, SUBTITLE 3  
8 OF THE CRIMINAL LAW ARTICLE;

9 (2) VICTIM OF STALKING UNDER § 3-802 OF THE CRIMINAL LAW  
10 ARTICLE; OR

11 (3) PERSON ELIGIBLE FOR RELIEF UNDER § 4-501 OF THE  
12 FAMILY LAW ARTICLE.

13 11-808.

14 (a) (1) Except as provided in paragraph (2) of this subsection, the  
15 following persons are eligible for awards in the manner provided under this subtitle:

16 (i) a victim;

17 (ii) a dependent of a victim who died as a direct result of:

18 1. a crime or delinquent act;

19 2. trying to prevent a crime or delinquent act or an  
20 attempted crime or delinquent act from occurring in the victim's presence or trying to  
21 apprehend a person who had committed a crime or delinquent act in the victim's  
22 presence or had committed a felony or a delinquent act that would be considered a  
23 felony if committed by an adult; or

24 3. helping a law enforcement officer perform the officer's  
25 duties or helping a member of a fire department who is obstructed from performing  
26 the member's duties;

27 (iii) any person who paid or assumed responsibility for the  
28 funeral expenses of a victim who died as a direct result of:

29 1. a crime or delinquent act;

30 2. trying to prevent a crime or delinquent act or an  
31 attempted crime or delinquent act from occurring in the victim's presence or trying to

1 apprehend a person who had committed a crime or delinquent act in the victim's  
 2 presence or had committed a felony; or

3 3. helping a law enforcement officer perform the officer's  
 4 duties or helping a member of a fire department who is obstructed from performing  
 5 the member's duties; and

6 (iv) 1. a parent, child, or spouse of a victim who resides with  
 7 the victim; or

8 2. a parent, child, or spouse of an individual who is  
 9 incarcerated for abuse as defined in § 4-501 of the Family Law Article and who, prior  
 10 to incarceration:

11 A. resided with the parent, child, or spouse; and

12 B. provided financial support to the parent, child, or  
 13 spouse.

14 (2) [A] THE FOLLOWING PERSONS ARE NOT ELIGIBLE FOR AN  
 15 AWARD UNDER THIS SUBTITLE:

16 (I) A person who commits the crime or delinquent act that is  
 17 the basis of a claim, or an accomplice of the person, is not eligible to receive an award  
 18 with respect to [the] THAT claim; AND

19 (II) A PERSON WHO HAS ~~EVER~~ BEEN CONVICTED, WITHIN  
 20 THE LAST 15 YEARS, OF:

21 1. MURDER OR ATTEMPTED MURDER UNDER §  
 22 2-201, § 2-204, § 2-205, OR § 2-206 OF THE CRIMINAL LAW ARTICLE;

23 2. A SEXUAL OFFENSE UNDER § 3-303, § 3-304, §  
 24 3-305, § 3-306, ~~§ 3-307~~, § 3-309, § 3-310, § 3-311, § 3-312, § 3-315, ~~§ 3-321~~, §  
 25 3-323, § 3-324, OR § 3-602 OF THE CRIMINAL LAW ARTICLE;

26 3. ROBBERY UNDER § 3-402 OR § 3-403 OF THE  
 27 CRIMINAL LAW ARTICLE;

28 4. CARJACKING UNDER § 3-405 OF THE CRIMINAL  
 29 LAW ARTICLE;

30 5. KIDNAPPING UNDER § 3-502 OF THE CRIMINAL  
 31 LAW ARTICLE;

1                                   **6. CHILD KIDNAPPING UNDER § 3-503 OF THE**  
2 **CRIMINAL LAW ARTICLE;**

3                                   **7. CHILD ABUSE UNDER § 3-601 OF THE CRIMINAL**  
4 **LAW ARTICLE;**

5                                   **8. DISARMING A LAW ENFORCEMENT OFFICER**  
6 **UNDER § 4-103 OF THE CRIMINAL LAW ARTICLE;**

7                                   **9. A WEAPONS OFFENSE UNDER § 4-404 OF THE**  
8 **CRIMINAL LAW ARTICLE;**

9                                   **10. A CONTROLLED DANGEROUS SUBSTANCE**  
10 **OFFENSE UNDER § 5-613 OF THE CRIMINAL LAW ARTICLE;**

11                                  **11. ARSON UNDER § 6-102 OR § 6-103 OF THE**  
12 **CRIMINAL LAW ARTICLE;**

13                                  **12. MALICIOUS BURNING OF PROPERTY UNDER §**  
14 **6-104 OF THE CRIMINAL LAW ARTICLE;**

15                                  **13. A FELONY VIOLATION OF § 9-303 (RETALIATION**  
16 **AGAINST VICTIM OR WITNESS TESTIFYING) OR § 9-305 (VICTIM, WITNESS,**  
17 **JUROR, OR COURT OFFICER INTIMIDATION) OF THE CRIMINAL LAW ARTICLE;**  
18 **OR**

19                                  **14. A VIOLATION OF TITLE 20, SUBTITLE 6 (FEMALE**  
20 **GENITAL MUTILATION) OF THE HEALTH – GENERAL ARTICLE.**

21                   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
22                   October 1, 2011.

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.